



Atty. Dkt. No. 072121-0307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barsanti *et al.*

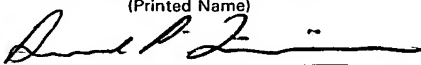
Title: BENZIMIDAZOLE
QUINOLINONES AND USES
THEREOF

Appl. No.: 10/644,055

Filing Date: 08/19/2003

Examiner: Unknown

Art Unit: Unknown

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p>Bernard P. Friedrichsen (Printed Name)</p> <p> (Signature)</p> <p>December 29, 2003 (Date of Deposit)</p>

**PETITION UNDER RULE 59(b) TO EXPUNGE
PROPRIETARY INFORMATION SUBMITTED UNDER MPEP § 724.02**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the information in the sealed envelope or container labeled "PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED PATENT AND TRADEMARK OFFICE EMPLOYEE" filed herewith be expunged and returned to Applicant.

Applicant submits the following in support of this petition to expunge:

1. The Proprietary Information Disclosure Statement (PIDS) filed herewith is submitted in compliance with MPEP § 724 and § 724.02. The sealed envelope with the material to be expunged includes (1) a PIDS; (2) a Proprietary Form PTO-1449; and (3) cited documents that Applicants consider to be proprietary in nature as pending, but unpublished patent applications.
2. The information listed in the PIDS and to be expunged is deemed trade secret materials, proprietary material, and/or subjective to a protective order.
3. The information being expunged has not been otherwise made public.

01/08/2004 BABRAHA1 00000057 10644055

01 FC:1460

130.00 OP

4. The petitioner will retain the proprietary information for the period of any patent with regard to which such information is submitted.

5. This petition to expunge is being submitted by the same party who originally submitted the PIDS.

6. A check in the amount \$130.00 is enclosed to cover the fee as set forth in 37 C.F.R. § 1.17(i) for a petition under 37 C.F.R. § 1.59(b).

Applicants therefore request that the PTO return the PIDS filed herewith to Applicants.

Applicants believe no additional fees are due. However, should any additional fee be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350.

Respectfully submitted,

Date December 29, 2003

FOLEY & LARDNER
Customer Number
23524

Telephone: (608) 258-4281
Facsimile: (608) 258-4258

By 

Bernard P. Friedrichsen
Attorney for Applicant
Registration No. 44,689